SUMMARY

Staff monitored boulevard cafes as part of a pilot project for the Greektown on the Danforth BIA in 2012. Very few complaints were received by Municipal Licensing and Standards, the Alcohol and Gaming Commission of Ontario (AGCO) and the Toronto Police Service (TPS).

In regards to the permit process for the consideration of future extended hours of operation, the provisions for this purpose currently exist. Former City of Toronto Municipal Code Chapter 313, Section 313-36 provides the opportunity for business operators to submit requests for extended hours of operation. The existing provisions require that the requests be considered by community council and if approved the permit agreements are to be amended to reflect the approved hours and any additional conditions of operation.

ML&S will be undertaking a review of all by-laws governing boulevard cafes and will report to Licensing and Standards Committee upon completion of the review.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommends that Toronto and East York Community Council:

1. Receive this report for information.
Financial Impact

There are no financial implications resulting from receiving this report.

DECISION HISTORY

Toronto and East York Community Council at its meeting held on April 17, 2012 approved the pilot project to extend the cafe operating hours for cafes on flankage streets for the Greektown on the Danforth BIA during the 2012 operating season.

Staff were requested to conduct regular monitoring of the cafes included in the pilot project area related to all applicable by-laws including the noise by-law and report back to TEYCC on the results. Staff were also requested to review any complaints from the AGCO and the TPS.

Permission was granted from May 1, 2012 to October 7, 2012 to allow cafes on flankage streets to operate from 11:00 p.m. to 12:00 a.m. The extension of hours was in effect on Fridays and Saturdays with a provision to allow extended hours on Sundays where the following Monday was a statutory holiday for the following locations:

Baskin Robins, 552 Danforth Avenue
Starbucks, 604 Danforth Avenue
Astoria, 390 Danforth Avenue
Omonia Shish Kebob, 426 Danforth Avenue
Pappas Grill, 442 Danforth Avenue
Leonidas Chocolates, 484 Danforth Avenue
Alexandros, 484 Danforth Avenue
Mr. Greek, 526 Danforth Avenue
Starbucks, 840 Danforth Avenue
The Works, 888 Danforth Avenue

Added to the pilot on May 22, 2012 were the following locations:

Café 521, 521 Danforth Avenue
Café Frappe, 519 Danforth Avenue
Ice Lounge, 564 Danforth Avenue

ISSUE BACKGROUND

In June 2010, the Senior Manager of Operations for the Greektown on the Danforth BIA submitted correspondence to the local councillors of Wards 29 and 30 with a request for an extension to the operating hours of boulevard cafes on flankage streets during the summer months (May-September). In that correspondence, it was stated that in difficult economic times the Greektown on the Danforth BIA would like their businesses to be able to maximize the brief amount of summer patio weather and therefore request an extension to cafe operating hours.
The approval was granted for the 2011 cafe season with the requirement that Municipal Licensing and Standards monitor cafe operations and report back to the Toronto and East York Community Council on the outcome of the monitoring.

At its meeting of April 17, 2012, Toronto and East York Community Council considered the outcome of the 2011 pilot project and decided to continue the pilot for one more year with continued monitoring.

At the same time, Toronto and East York Community Council requested that Municipal Licensing and Standards review the cafe permit process and related by-laws to determine the possibility and impacts of implementing a permit or site specific exemption for the extension of operating hours on an ongoing basis of cafes on flankage streets, with such review to occur concurrently with the Greektown on the Danforth BIA 2012 pilot project.

**COMMENTS**

The boulevard cafes were monitored on a regular basis commencing May 4, 2012 and ending October 27, 2012. This monitoring captured the date and time of the inspection, weather conditions, if the base business was open, when the cafe was in operation and if service was available beyond permitted hours, the presence of patrons in the cafe area, any noise emanating from within the premises through open doors or windows, presence of outdoor speakers and compliance with the closing of the cafe at the designated 12:00 a.m. time.

Consultation with the AGCO and TPS was also done to determine if any complaints were received regarding the operation of these cafes during this time period.

The AGCO has reported that 3 complaints were received regarding noise at 521 Danforth Avenue. The outcome of those complaints resulted in warnings being issued to the business operators. No complaints were received regarding any of the other businesses included in the pilot project and have further advised, that no other complaints were received from January 2012 up to and including the end of October 2012.

TPS Divisions 54 and 55 were consulted to determine if any police reports were filed regarding the participating businesses during the pilot period and also over the course of 2012 up to the end of October. Both Divisions have advised that no police reports or complaints were filed respecting these locations.

Municipal Licensing and Standards in its monitoring of the businesses received one complaint regarding noise at 440 Danforth Avenue. The complaint was investigated and no violation was found. One complaint regarding service was received at 604 Danforth Avenue and the matter was resolved. Two complaints were received regarding 521 Danforth Avenue: one regarding noise which was investigated and no violation was identified; and the other matter was with respect to the renewal of the Toronto business
licence (the matter was resolved). There were no other complaints received regarding any of the other businesses in the pilot project (Attachments 1 and 2).

Provisions currently exist regarding the permit process for the consideration of future extended hours of operation. Former City of Toronto Municipal Code Chapter 313, Section 313-36 provides the opportunity for business operators to submit requests for extended hours of operation. The existing provisions require that the requests be considered by community council and if approved, the permit agreements are to be amended to reflect the approved hours and any additional conditions of operation.

These requirements also stipulate that should the business cease to exist or a new owner takes over the business operations, the hours of operation must return to the 11:00 p.m. closing time and a further application for consideration must be submitted and reported to community council for approval.

ML&S will be undertaking a review of all current by-laws governing boulevard cafes and will report to Licensing and Standards Committee upon completion of the review.

**CONTACT**

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**SIGNATURE**

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**ATTACHMENTS**  
Attachment 1: List of locations in compliance  
Attachment 2: List of locations warnings issued